(e) The tested prophylactics are dried in a manner which will remove all moisture and will not cause holes in the prophylactics.

(f) Any untested prophylactics now being held in the packing room of defendants' plant are removed to a different room for storage until tested.

(g) Procedures are established which will assure that no untested prophylactics are placed in the packing room prior to being tested for the presence of holes; and,

(h) All prophylactics which have been the subject of prior detention under the provisions of Chapter 801 of the Act [21 U.S.C. 381], and which purport to have been subsequently tested and packaged under the supervision of representatives of the Food and Drug Administration and released from import detention by the Food and Drug Administration, have been resampled by the Food and Drug Administration for the purpose of determining that the said released lots are free from holes and can be accurately identified with specific lots previously tested by the Food and Drug Administration under the provisions of 21 U.S.C. 381; and any such lots so resampled and retested shall not be introduced or delivered for introduction, or caused to be introduced or delivered for introduction into interstate commerce, if upon the above described retesting they fail to comply with the Act, unless and until such defective lots shall have been processed in the manner set forth in paragraph (i) hereinafter; and all costs of resampling and testing as hereinbefore set forth, shall be borne by the defendants.

(i) All prophylactics which purport to have been tested for the presence of holes, except such detained lots as are hereinbefore described in paragraph (h), and which are now held in defendants' plant in packaged or unpackaged form are retested for the presence of holes, and the retested prophylactics which contain no holes are dried in a manner which will remove all moisture and will not cause holes in the prophylactics, and the retested prophylactics which contain holes are destroyed, with such retesting, drying, and destruction being done under the supervision of an authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and all costs of said supervision being borne by the defendants; and,

(j) All stocks which are to be tested and/or retested as hereinbefore set forth in paragraphs (h) and (i) shall be retained intact in the defendants' plant until a release in writing has been furnished covering said lots by the Food and Drug Administration; such releases to be furnished promptly upon completion of such examinations as may be required.

The decree of temporary injunction provided also that it may be dismissed upon motion of the defendants, jointly and seasonably made, upon a satisfactory showing that the stocks of imported prophylactics now held in the firm's plant, or elsewhere under its control, have been satisfactorily brought into compliance with the Federal Food, Drug, and Cosmetic Act and the terms of this Order and a release in writing furnished by the Kansas City District of the Food and Drug Administration as hereinbefore set forth, and upon further showing that the firm has conducted its operations in compliance with the Act and the terms of this Order for a period of seven months following the release in writing of all stocks of imported prophylactics now held in defendants' plant or elsewhere under the control of the defendants.

DRUG FOR VETERINARY USE

6716. Medicated feed. (F.D.C. No. 45260. S. Nos. 22-364 R, 22-369 R.)

QUANTITY: 132 bags of *Professional Chick Spicer Atoms* and 68 bags of *Professional Broiler Atoms* at Omaha, Nebr.

SHIPPED: On 4–22–60 and 5–24–60 (Chick Spicer Atoms), and 6–7–60 and 7–1–60 (Broiler Atoms), from Kansas City, Mo., by Staley Milling Co. (Spencer Kellogg & Sons, Inc.).

LABEL IN PART: (Bag) "Professional Chick Spicer Atoms * * * Spencer Kellogg and Sons, Inc. Professional Feeds Division, Kansas City & St. Louis 25 Lbs. Net * * * Active Drug Ingredients: Furazolidone (nf–180) 0.011% (100 grams per ton) Chlortetracycline (aureomycin) 0.05 grams per lb. (100 grams per ton)"; "Professional Broiler Atoms * * * 50 Lbs. Net Staley Milling Company, Kansas City & St. Louis"; and (tag) "50 Lbs. Net Broiler Grower Atoms Medicated * * * Ingredients: * * * 3 Nitro 4-Hydroxyphenylarsonic Acid 0.005%; Nicarbazin 0.0125%."

LIBELED: 12–9–60, Dist. Nebr.

CHARGE: 501(c)—when shipped and while held for sale, the strength of the articles differed from, and their quality fell below, that which they purported and were represented to possess since the Chick Spicer Atoms contained approximately 40 percent of the labeled amount of furazolidone, and the Broiler Atoms contained approximately 72 percent of the labeled amount of 3-nitro,-4-hydroxyphenylarsonic acid.

DISPOSITION: 9–5–61. Consent—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

6717. Various prescription drugs. (F.D.C. No. 46252. S. Nos. 76–150 R, 76–152/4 R, 76–156 R, 76–163/5 R.)

QUANTITY: 3,565 tablets and capsules, and 41 btls. of liquid preparations, at Jacksonville, Fla., in possession of Johnston's Pharmacy.

SHIPPED: On unknown dates, by various drug handlers.

LABEL IN PART: (Some labels) "Patient Starter Package," "Professional Trial Package," "Professional Sample Not for Sale," "Sample Not To Be Sold," "Physician's Professional Package," "Special Package for the Medical Profession Only," "Physician's Test Package," or similar wording.

RESULTS OF INVESTIGATION: Some of the articles were prescription drugs, originally intended for use as samples for physicians and others lawfully engaged in dispensing prescription drugs, bearing labels containing a "complimentary – not to be sold" professional sample legend, and containing also the names and addresses of manufacturers, packers, or distributors located outside the State of Florida.

Some of the articles were prescription drugs originally intended for investigational use and bearing labels containing the words "Caution: New Drug Limited by United States Law to Investigational Use," or similar wording, and the names and addresses of manufacturers, packers, or distributors located outside the State of Florida.

LIBELED: 8–15–61, S. Dist. Fla.

CHARGE: 502(a)—while held for sale, the words "Patient Starter Package," "Professional Trial Package," "Professional Sample Not for Sale," "Sample Not To Be Sold," "Physician's Professional Package," "Special Package for the Medical Profession Only," "Physician's Test Package," and similar wording on

*See also Nos. 6706, 6707, 6710–6715.